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January 25, 2011

VIA ECF (COPY BY FEDERAL EXPRESS)

Honorable Esther Salas, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Novartis Corporation v. Teva Pharmaceuticals USA Inc.*,
Civil Action Nos. 04-4473, 08-0686 (GEB) (ES)

Dear Judge Salas:

Enclosed please find a Stipulation and [Proposed] Order Regarding Teva's Expert Dr. Michael J. Cima and Novartis' Expert Dr. Robert S. Langer. The Stipulated Order has been executed by the parties. The parties respectfully request that Your Honor execute and order the entry of the same.

We thank the Court for its attention and courtesies.

Respectfully,

s/ Sheila F. McShane

Enclosures

cc: Christopher Holding, Esq. (via email)
Ira J. Levy, Esq. (via email)
Daryl Wiesen, Esq. (via email)
Mayra V. Tarantino, Esq. (via email)
Michael Patunas, Esq. (via email)
Leslie Morioka, Esq. (via email)
Gregory Parker, Esq. (via email)
Brendan Woodard, Esq. (via email)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NOVARTIS CORPORATION, NOVARTIS PHARMACEUTICALS CORPORATION and NOVARTIS INTERNATIONAL AG, Plaintiffs, v. TEVA PHARMACEUTICALS USA, INC., Defendant.	Civil Action No. 04-4473 (GEB)(ES) Lead Case Civil Action No. 08-0686 (GEB)(ES)

STIPULATION REGARDING TEVA'S EXPERT DR. MICHAEL J. CIMA AND NOVARTIS' EXPERT DR. ROBERT S. LANGER

WHEREAS Plaintiff Novartis Corporation, Novartis Pharmaceuticals Corporation and Novartis International AG (collectively "Novartis") retained and disclosed Dr. Robert S. Langer to serve as an expert on behalf of Novartis in the above-referenced litigation in April 2006;

WHEREAS Dr. Langer is the David H. Koch Institute Professor of the Massachusetts Institute of Technology ("MIT"), and leads the Langer Lab operating within the Koch Institute For Integrative Cancer Research at MIT;

WHEREAS Dr. Langer has been involved in this litigation since 2006, including providing expert reports and deposition testimony on behalf of Novartis;

WHEREAS on December 23, 2010, Defendant Teva Pharmaceuticals USA, Inc. ("Teva") provided a declaration and curriculum vitae for Dr. Michael J. Cima indicating that Teva intended to provide confidential information to Dr. Cima as a newly disclosed expert in this action;

WHEREAS Dr. Cima is also a professor at MIT, namely the Sumitomo Electric Industries Professor of Engineering, as well as a faculty member at the Koch Institute For Integrative Cancer Research;

WHEREAS Dr. Langer and Dr. Cima have a longstanding professional relationship resulting from collaborating both within and outside MIT for over a decade;

WHEREAS Dr. Langer and Dr. Cima are co-inventors on eleven (11) United States patents and on six (6) pending United States patent applications;

WHEREAS Dr. Langer and Dr. Cima are co-authors on twenty-eight (28) publications, where the first of their co-authored papers was published in 1998, and where their most recent co-authored paper was published in 2010;

WHEREAS Dr. Langer and Dr. Cima together successfully applied for two grant proposals and are currently conducting research under these joint proposals;

WHEREAS Dr. Langer and Dr. Cima have co-founded four (4) companies, namely MicroCHIPS Inc., TARIS Biomedical Inc., T2 Biosystems Inc. and TransForm Pharmaceuticals Inc., where Dr. Langer and Dr. Cima sit together on the Board of Directors of both TARIS Biomedical Inc. and T2 Biosystems Inc.; where Dr. Cima currently sits on the Scientific Advisory Board of MicroCHIPS Inc., and where Dr. Langer currently sits on the Board of Directors of MicroCHIPS Inc.;

WHEREAS Dr. Langer and Dr. Cima once served as opposing testifying expert witnesses in the *In re Omeprazole Patent Litigation*, MDL Docket No. 1291, S.D.N.Y. (2007).

WHEREAS Dr. Langer's and Dr. Cima's respective offices and labs are located on the sixth floor of the Koch Institute building at MIT, where they and their research groups share lab equipment and facilities;

WHEREAS pursuant to Paragraph 7(d) of Amended Stipulated Protective Order Novartis objected to Teva's proposed use of Dr. Cima as an expert opposite Dr. Langer because of concerns relating to the risk of inadvertent disclosure of confidential information either in written or unwritten form as generated at least in part by Dr. Langer and those in his research group under his supervision who may be assisting him in conjunction with this litigation ("Confidential Langer Information");

WHEREAS Teva rejected these concerns based on various facts, including (1) the prior service of Drs. Langer and Cima as opposing expert witnesses, (2) the provisions of the Amended Stipulated Protective Order, (3) the provisions of the Federal Rules of Civil Procedure relating to the disclosure of expert work product and (4) the integrity of the involved individuals;

WHEREAS given the collegial environment within and between research laboratories in academic institutions such as MIT, the physical proximity of Dr. Langer's and Dr. Cima's working areas, and the extensive collaborative work performed by the sizeable research groups of Dr. Langer and Dr. Cima in the past and going forward, Novartis objected to the use of Dr. Cima as an expert for Teva;

WHEREAS the inadvertent disclosure of Confidential Langer Information or confidential information generated by Dr. Cima in this action ("Confidential Cima Information") is a concern because Dr. Langer and Dr. Cima would be providing consultation and possibly expert opinions on liability issues in this litigation as opposing testifying experts;

WHEREAS Novartis and Teva engaged in meet and confers on this issue to discuss issues related to the inherent risks of inadvertent disclosure relating to Dr. Cima's involvement in the litigation and whether the potential for such inadvertent disclosure could be controlled and minimized;

WHEREAS Teva's counsel has represented that Dr. Cima intends to work alone on this litigation, without the assistance of any individual in his research group;

WHEREAS in order to resolve this issue in the most efficient manner available without burdening the Court, while attempting to minimize the potential for inadvertent disclosure of Confidential Langer Information to Dr. Cima or anyone in Dr. Cima's research group, or Confidential Cima Information to Dr. Langer or anyone in Dr. Langer's research group;

IT IS HEREBY STIPULATED AND AGREED that:

1) Dr. Cima will be periodically advised of his confidentiality obligations set forth under the Amended Stipulated Protective Order at least on a monthly basis by a review of the same with Teva counsel;

2) Dr. Langer will be periodically advised of his confidentiality obligations set forth under the Amended Stipulated Protective Order at least on a monthly basis by a review of the same with Novartis counsel;

3) Dr. Langer and Dr. Cima will take precautions, and instruct any members of their respective research groups assisting them with their work on this litigation to do the same, to safeguard Confidential Langer Information and Confidential Cima Information related to the litigation in their respective laboratories on the sixth floor of the Koch Institute building at MIT, including, but not limited to, storing documents in a confidential manner, storing lab notebooks and written reports in a confidential manner, and conducting conversations, whether in person or by phone, in a private and confidential manner;

4) Dr. Cima will complete a certification form (Exhibit A) representing that to date he has not seen, overheard or otherwise learned of any Novartis confidential information or any Langer Confidential Information; such completed form to be provided by outside counsel for Teva to outside counsel for Novartis by Wednesday, January 26, 2011; and

5) If there is any change in the circumstances that are related to this stipulation or if Dr. Langer or Dr. Cima or anyone in his respective research group become aware of an inadvertent disclosure, Dr. Langer or Dr. Cima must report this, including all related facts, to the outside counsel of the party for whom they have been disclosed within 24 hours of becoming aware of the inadvertent disclosure; outside counsel must then report the inadvertent disclosure to opposing counsel within 24 hours of

receiving notice of the inadvertent disclosure; opposing counsel must then move to disqualify within a week of receiving notice of the inadvertent disclosure.

SO STIPULATED AND AGREED TO:

Dated: January 25, 2011

s/Sheila F. McShane
Sheila F. McShane, Esq.
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-and-

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Attorneys for Defendant Teva Pharmaceuticals USA, Inc.

IT IS SO ORDERED:

____
The Honorable Esther Salas
United States Magistrate Judge

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NOVARTIS CORPORATION, NOVARTIS PHARMACEUTICALS CORPORATION and NOVARTIS INTERNATIONAL AG, Plaintiffs, v. TEVA PHARMACEUTICALS USA, INC., Defendant.	Civil Action No. 04-4473 (GEB)(ES) Lead Case Civil Action No. 08-0686 (GEB)(ES)

CERTIFICATE OF COMPLIANCE WITH THE AMENDED STIPULATED PROTECTIVE ORDER AND THE STIPULATION REGARDING TEVA EXPERT DR. MICHAEL J. CIMA

I, ______________________, certify the following:

1) As of this date I have not seen, overheard, or otherwise learned of any confidential information related to this litigation either in written or unwritten form of Plaintiffs Novartis Corporation, Novartis Pharmaceuticals Corporation and Novartis International AG.

2) As of this date I have not seen, overheard, or otherwise learned of any confidential information related to this litigation either in written or unwritten form as generated at least in part by Dr. Robert S. Langer and those in his research group under his supervision who may be assisting him in conjunction with this litigation.

By: ____________________________ Date: ______________________